



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

January 11, 2006

BLACK LOWE & GRAHAM PLLC
701 FIFTH AVENUE, SUITE 4800
SEATTLE, WA 98104
US

Dear Sir/Madam,

Your refund request for 10777388 in the amount of \$2,160.00 has been denied .

The change of address was not received until 11/15/05. You can however file a Petition

Sincerely,

ELEANOR KURTZ
Technical Center Others
703 308-9010 x177



MAIL STOP AMENDMENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jeffrey H. Wood
Serial No.: 10/777,388
Filing Date: February 13, 2004
Title: PNEUMATICALLY ACTUATED FLEXIBLE COUPLING END EFFECTORS
FOR LAPPING/POLISHING

Attorney Docket No. BING-1-1065
Group Art Unit: 3723
Examiner: THOMAS, David B.

**PETITION FOR REFUND OF EXTENSION OF TIME FEES
AND/OR TO RESET TIME FOR RESPONSE PURSUANT TO M.P.E.P. §710.06**

TO THE COMMISSIONER OF PATENTS:

Dear Sir or Madam:

Applicant hereby Petitions for a refund of the Extension of Time Fees (in the sum of \$2,160) which were submitted along with a Response to Restriction Requirement on November 8th, 2005, and alternately, petitions to reset the time for response to the subject Restriction Requirement (mailed to the erroneous address on May 16, 2005). This Petition is based on the enclosed declarations of attorney Dale C. Barr and Mark L. Lorbiecki.

FACTS IN SUPPORT OF PETITION

1. A Restriction Requirement was mailed by the Patent Office on May 16, 2005 to an incorrect address. Specifically, the correct address of the attorneys of record is 701 Fifth Avenue, Suite 4800, Seattle, Washington, 98104. The Restriction Requirement was mailed to 816 Second Avenue, Seattle, Washington, 98104.
2. The existence of the Restriction Requirement was discovered by the attorneys of record during a routine status check using the PAIR (Patent Application Information Retrieval)

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Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

system on November 4, 2005, and was actually received by the attorneys of record on or about this same date. (Decl. of Dale Barr).

3. Applicant promptly filed a Response to the subject Restriction Requirement on November 8, 2005, along with Extension of Time Fees in the sum of \$2,160 (5 month extension) to avoid additional extension of time fees and/or abandonment of the application.

4. Upon further investigation, Applicants have determined that the Patent Office was previously made aware of the correct address of the attorneys of record by one or more means, including the filing of one or more Change of Correspondence Address forms, and also by official change of the address associated with the Customer Number(s) of the attorneys of record. (Decl. of Mark L. Lorbiecki).

5. Furthermore, file records demonstrate that the Patent Office had actual knowledge of the correct address in the above-referenced patent application because the Assignment Recordation document was mailed to the correct address on August 16, 2004, well in advance of the mailing date of the erroneously addressed Restriction Requirement (mailed on May 16, 2005).

6. Applicants respectfully submit that the foregoing facts constitute adequate grounds for refunding the Extension of Time Fees paid by Applicant on November 8, 2005, and/or resetting the time period for responding to the Restriction Requirement due to a defect and/or error in the Restriction Requirement pursuant to MPEP § 710.06, which defect or error is being brought to the attention of the Patent Office within one month of the actual date of receipt of the Restriction Requirement (November 4, 2005) by Applicant.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that its petition for a refund of the Extension of Time Fees in the sum of \$2,160, and/or to reset the time for response to the subject Restriction Requirement, be granted and that the subject Extension of Time Fees be refunded by crediting Applicant's Deposit Account Number . If there are any questions or concerns regarding this Petition, or any matters that may be handled by telephone conference, the Examiner is kindly invited to telephone the undersigned attorney.

Respectfully submitted,

BLACK LOWE & GRAHAM^{PLLC}



Dale C. Barr

Registration No. 40,498

Direct Dial: 206.381.3300

Enclosures:

Petition Fee


Declaration of Dale C. Barr

Declaration of Mark L. Lorbiecki

MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

November 18, 2005
Date of Deposit


Wendy Saxby

46020

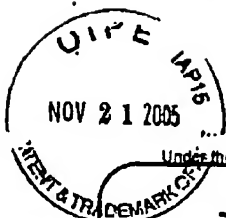
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Seattle, Washington 98104
206.381.3300 • F: 206.381.3301



Dej + Re Sumo

PTO/SB/21 (09-04)

Approved for use through 07/31/2008: OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/777,388
	Filing Date	February 12, 2004
	First Named Inventor	Wood, Jeffrey H.
	Art Unit	3723
	Examiner Name	Thomas, David B.
	Attorney Docket Number	BING-1-1065
Total Number of Pages in This Submission		

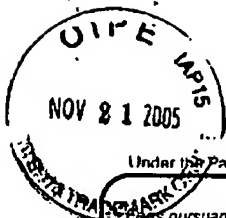
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration of Dale C. Barr Declaration of Mark L. Lorblecki Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Black Lowe & Graham, PLLC		
Signature			
Printed name	Dale C. Barr		
Date	November 18, 2005	Reg. No.	40,498

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Wendy Saxby	Date	November 18, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

0

Complete if Known

Application Number	10/777,388
Filing Date	February 12, 2004
First Named Inventor	Wood, Jeffrey H.
Examiner Name	Thomas, David B.
Art Unit	3723
Attorney Docket No.	BING-1-1065

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 501050 Deposit Account Name: Black Lowe & Graham, PLLC

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
	Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP = _____ x _____ = _____						
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 or HP = _____ x _____ = _____						
HP = highest number of independent claims paid for, if greater than 3						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____				

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: _____

SUBMITTED BY

Signature

Registration No. 40,498
(Attorney/Agent)

Telephone 206.381.3300

Name (Print/Type)

Dale C. Barr

Date November 18, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAIL STOP AMENDMENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jeffrey H. Wood
Serial No.: 10/777,388
Filing Date: February 13, 2004
Title: PNEUMATICALLY ACTUATED FLEXIBLE COUPLING END EFFECTORS
FOR LAPPING/POLISHING

Attorney Docket No. BING-1-1065
Group Art Unit: 3723
Examiner: THOMAS, David B.

DECLARATION OF DALE C. BARR REGARDING PETITION FOR REFUND

TO THE COMMISSIONER OF PATENTS:

I, Dale C. Barr, certify and declare as follows:

1. I am an attorney of record in the above-referenced patent application and am competent to testify to the facts stated herein.
2. This declaration is submitted in support of Applicant's Petition for a refund of the Extension of Time Fees (in the sum of \$2,160) which were submitted along with a Response to Restriction Requirement on November 8th, 2005, and alternately, petition to reset the time for response to the subject Restriction Requirement (mailed to the erroneous address on May 16, 2005).
3. The Patent Office was previously made aware of the correct address of the attorneys of record by one or more means, including the filing of one or more Change of Correspondence Address forms, and also by official change of the address associated with the Customer Number(s) of the attorneys of record. (please see Decl. of Mark L. Lorbiecki).
4. In the above-referenced patent application, file records demonstrate that the Patent Office had actual knowledge of the correct address in the above-referenced patent application because the Assignment Recordation document was mailed to the correct address on

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August 16, 2004, well in advance of the mailing date of the erroneously addressed Restriction Requirement (mailed on May 16, 2005).

5. The Restriction Requirement was mailed by the Patent Office on May 16, 2005 to an incorrect address. Specifically, the correct address of the attorneys of record is 701 Fifth Avenue, Suite 4800, Seattle, Washington, 98104. The Restriction Requirement was mailed to 816 Second Avenue, Seattle, Washington, 98104.

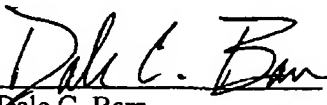
6. The existence of the Restriction Requirement was discovered by the attorneys of record during a routine status check using the PAIR (Patent Application Information Retrieval) system on November 4, 2005, and was actually received by the attorneys of record on or about this same date.

7. Applicant promptly filed a Response to the subject Restriction Requirement on November 8, 2005, along with Extension of Time Fees in the sum of \$2,160 (5 month extension) to avoid additional extension of time fees and/or abandonment of the application.

8. I believe the foregoing facts constitute adequate grounds for refunding the Extension of Time Fees paid by Applicant, and/or resetting the time period for responding to the Restriction Requirement due to a defect and/or error in the Restriction Requirement pursuant to MPEP § 710.06.

I certify and declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

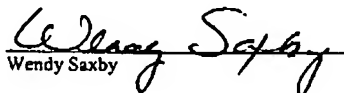
Dated this 18th day of November, 2005, at Seattle, King County, Washington


Dale C. Barr
Registration No. 40,498

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Date of Deposit



Wendy Saxby

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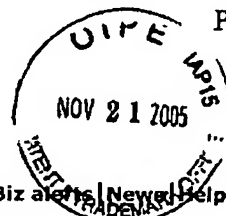
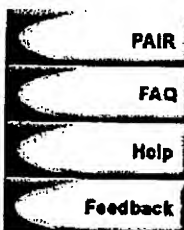
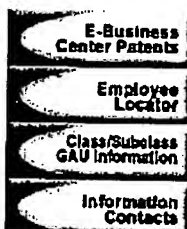
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**PATENT APPLICATION INFORMATION RETRIEVAL****Other Links**

Printer Friendly Version

Search results as of: 11-4-2005::16:34

Search results for application number:10/777,388			
Application Number:	10/777,388	Customer Number:	-
Filing or 371(c) Date:	02-12-2004	Status:	Non Final Act Mailed
Application Type:	Utility	Status Date:	05-16-2005
Examiner Name:	THOMAS, DAVID B	Location:	ELECTRONIC
Group Art Unit:	3723	Location Date:	-
Confirmation Number:	4585	Earliest Publication No:	US 2005-0181
Attorney Docket Number:	BING-1-1065	Earliest Publication Date:	08-18-2005
Class/ Sub-Class:	451/011	Patent Number:	-
First Named Inventor:	Jeffrey Wood, Eureka, MO	Issue Date of Patent:	-
Title Of Invention:	Pneumatically actuated flexible coupling end effectors for lapping/polishing		

Select Search Option

Continuity Data

Search

Image File Wrapper

Published Documents

File History	
Date	Contents Description
09-12-2005	Reference capture on IDS
09-12-2005	Information Disclosure Statement (IDS) Filed
05-16-2005	Mail Restriction Requirement
05-12-2005	Requirement for Restriction / Election
03-02-2005	New or Additional Drawing Filed
06-01-2004	IFW TSS Processing by Tech Center Complete
06-01-2004	Case Docketed to Examiner in GAU
05-11-2004	Application Return from OIPE
05-11-2004	Application Return TO OIPE
05-11-2004	Application Return from OIPE
05-11-2004	Application Is Now Complete
05-11-2004	Pre-Exam Office Action Withdrawn
05-11-2004	Application Return TO OIPE
05-10-2004	Application Dispatched from OIPE
05-11-2004	Application Is Now Complete
03-22-2004	Cleared by OIPE CSR
03-08-2004	IFW Scan & PACR Auto Security Review

02-12-2004 Initial Exam Team nn

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wood, Jeffrey H.

Attorney Docket No. BING-1-1065

Serial No.: 10/777,388

Group Art Unit: 3723

Filing Date: February 13, 2004

Examiner: Thomas, David B.

Title: PNEUMATICALLY ACTUATED FLEXIBLE COUPLING END EFFECTORS
FOR LAPPING/POLISHING

DECLARATION OF MARK L. LORBIECKI

TO THE COMMISSIONER OF PATENTS:

I, Mark L. Lorbiecki, certify and declare as follows:

1. I am an attorney with the law firm of Black Lowe & Graham, PLLC and I am competent to testify to the facts stated herein.

2. As Managing Member of this law firm during the year 2004, I supervised the notification of the U.S. Patent and Trademark Office of the law firm's change of address, including the change of address associated with the patent application referenced above. This was accomplished over the course of several months beginning in approximately April 2004 and extending to approximately September 2004, and was accomplished in one or more ways.

3. Specifically, the change of address of this law firm was communicated in the following ways: (1) by officially changing the correspondence address associated with each and every one of the Customer Number(s) used by the attorneys of record (including the Customer Number shown below), and did so by means of spreadsheets filed with the Electronic Business Center of the U.S. Patent and Trademark Office, which changes of address were verified as being accomplished by subsequent checking, (2) by filing literally hundreds of individual Change of Correspondence Address forms in the individual patent applications being handled by this law firm, and (3) by first-class, postage-prepaid mailing (and/or by faxing on advise of a

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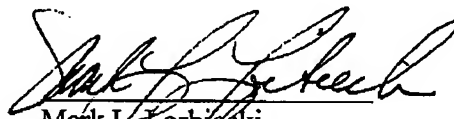
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Seattle, Washington 98104
206.381.3300 • F: 206.381.3301

paralegal with experience in this field) to the appropriate office of the U.S. Patent and Trademark Office numerous forms entitled Change of Attorney's Address in Application, a representative example of which is provided hereto as an attachment and which is date stamped received by the Office of Initial Patent Examination (OIPE).

4. The undersigned respectfully submits that these efforts undertaken by the law firm to notify the U.S. Patent and Trademark Office of its change of address constitute a reasonable and good faith effort to properly notify the Office of this change of address of the above-referenced patent application. Authority is hereby given for the specific identifying information regarding the patent application in question to be added to the caption above subsequent to the execution of this declaration.

I certify and declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

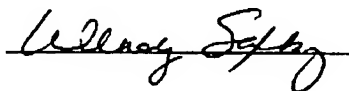
Dated this 17th day of November, 2005, at Seattle, King County, Washington


Mark L. Lorbiecki
Registration No. 45,643

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November 18, 2005
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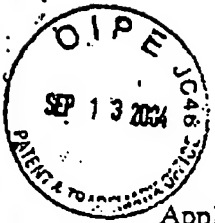


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Various

Serial No.: —

Filing Date:

Title:



Attorney Docket No. Various

Group Art Unit: —

Examiner: —

CHANGE OF ATTORNEY'S ADDRESS IN APPLICATION
TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Please send all correspondence for the applications enclosed herein and listed below:

Application No.	Attorney Docket No.	Application No.	Attorney Docket No.
09/975,138	BOEI-1-1006	10/068,234	BOEI-1-1018
10/091,156	BOEI-1-1035	10/267,619	BOEI-1-1063
10/233,270	BOEI-1-1068	10/223,269	BOEI-1-1069
10/361-122	BOEI-1-1070	10/317,541	BOEI-1-1071
10/329,114	BOEI-1-1072	10/601,044	BOEI-1-1075
10/230,801	BOEI-1-1077	10/304,640	BOEI-1-1078
10/346,310	BOEI-1-1079	10/377,478	BOEI-1-1080
60/396,885	BOEI-1-1081	10/246,946	BOEI-1-1082
60/397,266	BOEI-1-1083	10/447,912	BOEI-1-1084
10/226,977	BOEI-1-1085	10/304,627	BOEI-1-1086
10/286,097	BOEI-1-1087	10/452,671	BOEI-1-1088
60/404,073	BOEI-1-1089	10/264,218	BOEI-1-1090
10/304,626	BOEI-1-1091	10/364,196	BOEI-1-1093
10/323,311	BOEI-1-1094	10/329,111	BOEI-1-1095
10/633,235	BOEI-1-1096	10/329,316	BOEI-1-1097
10/304,638	BOEI-1-1099	10/285,265	BOEI-1-1100
10/301,999	BOEI-1-1101	10/302,042	BOEI-1-1102
10/356,224	BOEI-1-1113	10/329,074	BOEI-1-1115
10/335,746	BOEI-1-1117	10/334,480	BOEI-1-1118
60/417,714	BOEI-1-1120	10/302,000	BOEI-1-1121
10/641,334	BOEI-1-1122	10/324,161	BOEI-1-1123
10/622,846	BOEI-1-1124	10/282,488	BOEI-1-1126
10/294,079	BOEI-1-1127	10/355,804	BOEI-1-1128
10/335,683	BOEI-1-1129	10/377,593	BOEI-1-1130
10/622,595	BOEI-1-1131	10/366,949	BOEI-1-1132
10/367,024	BOEI-1-1133	10/367,064	BOEI-1-1136
10/367,404	BOEI-1-1138	10/367,403	BOEI-1-1139
10/367,062	BOEI-1-1142	10/633,353	BOEI-1-1145

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701 Fifth Avenue, Suite 4800
Seattle, Washington 98104

Application No.
 10/633,346
 10/607,947
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 10/452,036
 10/404,471
 10/397,643
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 60/479,696
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 10/722,073
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 10/402,552
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